

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:) Case No. 08-58592
)
Rocky A. DeVito and) Judge C. Kathryn Preston
Pamela S. DeVito,)
)
Debtors.) **MOTION FOR STAY PENDING APPEAL**

Now come the Debtors, Rocky & Pamela DeVito, by and through counsel, pursuant to Rule 8005 of the Federal Rules of Bankruptcy Procedure and Local Rule 8005-1, and do hereby move this Court for a Stay of the Order denying confirmation and dismissing case. This Court may suspend or order the continuation of other proceedings in a case under the Bankruptcy Code or make any other appropriate order during the pendency of an appeal on such terms as will protect the rights of all parties in interest. The Debtors state that without a stay pending an appeal of the Order of this Court it fears imminent action from its creditors, including repossession of vehicles and other such adverse action. Further, the Debtors were current in plan funding at the time of dismissal. Therefore, the Trustee is in possession of over \$12,000.00 which are at risk of being attached, garnished or seized by the Debtors' creditors.

Wherefore, in the interest of justice and in protection of the Debtors' rights, herein, pending this appeal, the Debtors' ask this Court to stay execution of the Order denying confirmation and dismissing this case until this appeal is resolved or the Court of Appeals otherwise has ruled.

Respectfully Submitted,

THE ROMANO LAW FIRM

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Attorney for Appellants, Rocky & Pam DeVito

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion For Stay Pending Appeal was served electronically via the Court's ECF/CM system on this 18th day of November, 2009, upon the following parties:

Asst. U.S. Trustee (Col.)
at ustpregion09.cb.ecf@usdoj.gov

Frank M. Pees, Chapter 13 Trustee
at trustee@ch13.org

American Honda Finance Corp.
PO Box 1844
Alpharetta, GA 30023-1844

Beneficial
Customer Service
1123 West 5th Avenue
Marysville, OH 43040

Capital One
c/o eCast Settlement Corporation
PO Box 35480
Newark, NJ 07193-5480

Citifinancial, Inc.
Bankruptcy Department
PO Box 140489
Irving, TX 75014-0489

Citizens Financial Services, Inc.
124 West 5th Street
Marysville, OH 43040

Discover Financial Services, LLC
PO Box 3025
New Albany, OH 43054-3025

GE Money Bank/Lowe's
Attn: Bankruptcy Department
PO Box 103104
Roswell, GA 30076

Home Depot
Credit Services
PO Box 689100
Des Moines, IA 50368-9100

Honda Federal Credit Union
17655 Echo Drive
Marysville, OH 43040

Honda Manufacturing 401(k) Savings

c/o T.Rowe Price
PO Box 17349
Baltimore, MD 21297-1349

HSBC Bank Nevada - Rhodes, Inc.
Bass & Associates, PC
3936 E. Ft. Lowell Road, Suite 200
Tucson, AZ 85712

HSBC Mortgage Services
c/o Moss Codilis
PO Box 21188
Saint Paul, MN 55121-4201

Washington Mutual
Card Services
PO Box 660509
Dallas, TX 75266-0509

Wells Fargo Financial
4137 121st Street
Urbandale, IA 50323

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